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Remarks

Rejections Under 35 U.S.C. §112, Second Paragraph

All previously pending claims (1, 2, 4-7, and 9-11) have been rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Examiner has alleged that "may be deformable" and "may be pressed" may mean that the rib can be or not be deformable. The current amendments remove this ground for rejection, which will not be further discussed.

Rejections Under 35 U.S.C. §102

Claims 1, 4-7, and 9-11, based on the understanding that the former recitation of "may be deformable" meant that the rib also may not be deformable, have been rejected under 35 U.S.C. §102 as being anticipated by Okazaki et al., USPN 5,915,416, which has not been alleged to teach and which in fact does not appear to teach a deformable rib as now positively recited in independent Claim 7. This rejection of Claim 7 and its respective dependent claims has been overcome.

Claim 1 has been amended to recite the limitation formerly set forth in now-canceled Claim 2, overcoming the rejection under this section of Claim 1 and its respective dependent claims.

Rejections Under 35 U.S.C. §103

Claims 1, 4-7, and 9-11 have alternatively been rejected under 35 U.S.C. §102 (sic, 103) as being anticipated by (sic, unpatentable over) Okazaki et al. in view of Gaylord, USPN 3,907,046, using the valve seat 30 of Gaylord as the claimed deformable rib and the valve plug 62 as the claimed ball. Claim 2, the limitations of which now appear in Claim 1, has been rejected under 35 U.S.C. §103 as being unpatentable

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over Okazaki et al. in view of Teranishi, USPN 5,282,329 or alternatively as being unpatentable over Okazaki et al. in view of Gaylord and Teranishi.

Claim 7 Discussion

Turning first to Claim 7, the rejection falls apart on a number of levels.

1. The relied-upon valve plug 62 is not a ball as recited in Claim 7. "Ball" is usually taken to mean "sphere", and even if it is to be more broadly construed the plug 62 of Gaylord is not a free-standing object, but rather is integral with the valve plunger 58. Owing to consequent stretch it takes to equate what is in fact an enlarged end of an elongated plunger to a "ball", should this rejection be persisted in, Applicant requests evidence that one skilled in the art regards enlarged, non-spherical ends of plungers to be balls, see MPEP §2111.01 (claims must be construed as one skilled in the art would construe them).

2. The relied-upon valve seat 30 is not a rib as recited in Claim 7. It is a valve seat, which has been positively recited elsewhere in Claim 7. If the references were to be combined in accordance with what they teach, as they are supposed to be, combining Gaylord with Okazaki et al. would result in a deformable valve seat as taught by Gaylord in the structure of Okazaki et al., not a deformable rib with separately recited valve seat as set forth in Claim 7.

3. The rib of Claim 7 must define a supply port, with the ball being disposed between the rib and valve seat and with the ball being retained by the rib *from passing outward through the supply port*. Apart from the errors noted above in regarding the valve seat 30 of Gaylord to be the claimed rib, it is clear that, *apropos* whatever port the examiner thinks the relied-upon valve seat 30 defines, the relied-upon valve

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plug 62 indeed passes through the valve seat 30, Gaylord, col. 3, lines 50-55, contrary to what is explicitly set forth in Claim 7.

Claim 1 Discussion

Now considering Claim 1, which recites subject matter formerly recited in Claim 2, the crux of the rejection is that Teranishi teaches a rod 25 that is distanced from a ball 17 in the deenergized position, citing col. 5, lines 39-43.

In fact, the exact obverse of this allegation is true of Teranishi. The deenergized configuration of Teranishi is shown in Figure 3a in one embodiment and in Figure 5a in an alternate embodiment, col. 5, lines 23-25; col. 6, lines 1 and 2. In these figures, the relied-upon rod plainly contacts the relied-upon disc. Only in the *energized* configurations of Figures 3b and 3c does the rod become distanced from the disc, and it does so by a mechanism and for a purpose that are not at all related to the present invention. Specifically, when the solenoid of Teranishi is energized, the rod 25 is moved "to reduce hysteresis" while the disc 17 remains in contact with the valve seat under the influence of a spring 28, col. 5, lines 40-45. Accordingly, Teranishi plainly does not teach Claim 1, and since it teaches the opposite configuration in the deenergized state from what is recited in Claim 1 and moreover since it distances its rod from its disc in a state and purpose not relevant to Claim 1, it cannot suggest Claim 1.

Additionally, a specific numeric range appears in Claim 1. No citation exists to any evidence of record for this range in the terms in which it has been cast. For this further reason (failure to identify every limitation in the prior art or general knowledge in the art, as otherwise required by MPEP §2142), the rejection has been overcome.

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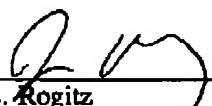
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The fact that Applicant has focussed its comments distinguishing the present claims from the applied references and countering certain rejections must not be construed as acquiescence in other portions of rejections not specifically addressed.

The Examiner is cordially invited to telephone the undersigned at (619) 338-8075 for any reason which would advance the instant application to allowance.

Respectfully submitted,


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